

## FORTY-EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Saturday, Nov. 11, 1871. }

Senate met pursuant to adjournment. Senator Flanagan, President *pro tem.*, presiding. Roll called. Quorum present.

Absent, excused—Senator Fountain.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Messages from the House by the Chief Clerk, Mr. Gallant, transmitting for signature of the President *pro tem.*, the following enrolled House bills: House bill No. 57, "An act to incorporate the Philosophronian Society of Trinity University;" House bill No. 209, "An act to incorporate the Richmond Relief Dramatic Club, of Richmond, Fort Bend county;" House bill No. 292, "An act granting to B. F. Colbert the privilege of constructing a ferry across Red River;" House bill No. 803, "An act to authorize James R. Harrington to erect a toll bridge over White Rock creek in Hill county, Texas."

## REPORTS OF STANDING COMMITTEES.

Report of Committee on State Affairs:

COMMITTEE ROOM,  
Austin, Nov. 11, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate, *pro tem.*:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 395, to be entitled "An act supplementary to and amendatory of 'an act to provide for the registration of voters,' approved July 11, 1870," have had the same under careful consideration, and instruct me to report it back with the accompanying substitute, and recommend that it do pass.

Respectfully,

\_\_\_\_\_, Chairman.

Report read and laid over under the rules.

Under direction of the President of the Senate, the Secretary carried to the House for concurrence the following Senate bills: Senate bill No. 381, "An act to incorporate the Bastrop Ferry Company, at Bastrop, Bastrop county, State of Texas;" Senate bill No. 291, "An act to authorize a change of venue in causes pending in

the district courts, pertaining to estates of deceased persons and guardianship;" Senate bill No. 347, "An act to incorporate the Houston Dollar Savings Bank;" Senate bill No. 542, "An act appropriating seventeen thousand dollars for the better protection of the public buildings and archives of the State, against fire;" Senate bill No. 376, "An act to establish a ferry across the Sabine river, at or near Red Rock, county of Upshur;" Senate bill No. 334, "An act to encourage the holding of Industrial Fairs, by exempting certain property from taxation;" Senate bill No. 530, "An act to authorize the lifting or floating of valid land certificates in certain cases;" Senate bill No. 541, "An act to increase the area and enlarge the boundary of Lamar county;" Senate bill No. 544, "An act to authorize David L. Cross to construct and keep a dam across the Colorado river, for milling and manufacturing purposes;" Senate bill No. 546, "An act to incorporate the Red River Bridge Company."

Also, informing the House that the Senate had passed, without amendment, the following House bills: House bill No. 213, "An act to incorporate the Benevolent Association, of Austin;" House bill No. 362, "An act making an appropriation to supply deficiencies for the years ending August 31, 1870 and 1871, to the district attorneys, district clerks, justices of the peace, sheriffs, in felony cases," and transmitting for signature.... 13  
 Speaker enrolled Senate bill No. 454, "An act to incorporate Rockport, Fulton, Laredo and Mexican Pacific Railroad Company.... 3  
 Enrolled Senate bill No. 454 signed by the Speaker, returned to the Senate and signed by the President *pro tem.* in open session.... 00  
 On motion of Senator Gaines the Senate proceeded to.... 00  
 President of the Senate *pro tem.* .. 00  
 The Chair appointed as judges Senators Pridgen, Evans and Ruby. — 28

Nominations being in order, Senator Saylor nominated Senator Flanagan.

Senator Bell nominated Senator Hall, and Senator Pickett nominated Senator Broughton.

There being no further nominations, the Senate proceeded to ballot with the following result:

## FIRST BALLOT.

Flanagan.....	13
Broughton.....	12
Hall.....	3
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No one having received a majority of all the votes cast, the Chair announced that there had been no election, and that the Senate would proceed to a second ballot:

Senator Pyle nominated Senator Pickett.

Senator Hall nominated Senator Pettit.

#### SECOND BALLOT.

Flanagan .....	13
Pickett .....	12
Pettit .....	3
Hall .....	00
Broughton .....	00
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No. No candidate having received a majority of all the votes cast, the Club, it announced that there had been no election.

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#### THIRD BALLOT.

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No candidate having received a majority of all the votes cast, the Chair announced that there had been no election.

Senator Baker moved that the Senate take a recess for twenty minutes.

Yeas and nays called for, and the Senate refused to take a recess by the following vote:

Yeas—Baker, Mills, Rawson—3.

Nays—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Parsons, Pettit, Pickett, Pridgen, Pyle, Ruby, Saylor, Shannon, Swift, Tendick—25.

Message from the House by the Chief Clerk, Mr. Gallant, transmitting for signature of the President, the following enrolled House bills, to-wit: House bill No. 9, "An act to incorporate the McKinney Academy Association;" House bill No. 121, "An act to amend an act entitled 'an act to provide for the organization of the State Lunatic Asylum and for the care and maintenance of the insane,' approved February 5, 1858;" House bill No. 742, "An act to incorporate the Richmond Bridge Company;" House bill No. 776, "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871;" and transmitting for concurrence the following House concurrent resolutions, to-wit: House concurrent resolution No. 13, "Concurrent resolution referring to martial law in Limestone and Freestone counties;" House concurrent resolution No. 14, "In relation to the adjournment of the Twelfth Legislature."

The Senate then proceeded to a fourth ballot.

Senator Dohoney nominated Senator Douglas.

## FOURTH BALLOT.

Flanagan.....	13
Douglas.....	12
Hall.....	3
Dohoney.....	00
Bell.....	00
Pickett.....	00
Pettit.....	00
Broughton.....	00
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No candidate having received a majority of all the votes cast, the Chair announced that there had been no election.

Senator Broughton nominated Senator Bowers.

## FIFTH BALLOT.

Flanagan.....	13
Bowers.....	12
Pettit.....	3
Other candidates.....	00
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No candidate having received a majority of all the votes cast, the Chair announced that there had been no election.

Senator Bowers moved that the Senate take a recess for twenty minutes.

Yeas and nays called for and the motion carried by the following vote :

Yeas—Baker, Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pettit, Pickett, Pyle, Shannon, Swift—16.

Nays—Flanagan, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Bridgen, Rawson Ruby, Saylor, Tendick—12.

So the Senate at 11:20 A. M. took a recess for twenty minutes.

11:40 A. M.—IN SENATE.

Election of President *pro tem.* resumed.

Senator Pettit nominated Senator Bell.

#### SIXTH BALLOT.

Flanagan .....	14
Bell .....	14
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No candidate having received a majority of all the votes cast, the Chair announced that there had been no election.

Senator Bell nominated Senator Hall.

#### SEVENTH BALLOT.

Flanagan .....	14
Hall .....	14
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No candidate having received a majority of all the votes cast, the Chair announced that there had been no election.

Senator Hall nominated Senator Pettit.

#### EIGHTH BALLOT.

Flanagan .....	14
Pettit .....	14
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No candidate having received a majority of all the votes cast, the Chair announced that there had been no election.

Senator Broughton moved that the Senate adjourn to 3 o'clock P. M. to-day.

Yeas and nays called for and the motion carried by the following vote :

Yeas—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pettit, Pickett, Shannon, Swift—14.

Nays—Baker, Flanagan, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—14.

So the Senate adjourned until 3 P. M. to-day.

### AFTERNOON SESSION.

3 o'CLOCK P. M.

Senate met pursuant to adjournment. Senator Flanagan, President *pro tem.*, presiding. Roll called. Quorum present.

Absent—Senators Pyle and Rawson.

Absent, excused—Senator Fountain.

Senator Ruby moved a call of the Senate. Call sustained.

Absent, unexcused—Senator Pyle.

The Sergeant-at-Arms was dispatched for the absentee.

Senator Pyle appeared and answered to his name.

On motion of Senator Mills the call was suspended.

### UNFINISHED BUSINESS.

Election of a President of the Senate *pro tem.*

#### NINTH BALLOT.

Flanagan.....	14
Bell.....	14
Other candidates.....	00
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No candidate having received a majority of all the votes cast, the Chair announced that there had been no election.

Senator Ford moved that the Senate adjourn until 10:30 o'clock A. M. Monday.

Yeas and nays called for, and the Senate refused to adjourn by the following vote :

Yeas—Baker, Flanagan, Ford, Gaines, Ruby—5.

Nays—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Saylor, Shannon, Swift, Tendick—23.

Election of President *pro tem.* resumed.

#### TENTH BALLOT.

Flanagan.....	14
Hall.....	14
Other candidates.....	00
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No candidate having received a majority of all the votes cast, the Chair announced that there had been no election.

Senator Pyle moved to adjourn until 10:30 A. M. Monday.

Yeas and nays called for and motion lost by the following vote:

Yeas—Baker, Flanagan, Ford, Gaines, Hillebrand, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—12.

Nays—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Hertzberg, Latimer, Mills, Pettit, Pickett, Shannon, Swift—16.

Election of President *pro tem.* resumed.

#### ELEVENTH BALLOT.

Flanagan.....	14
Pettit.....	14
Other candidates.....	00
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No candidate having received a majority of all the votes cast, the Chair announced that there had been no election.

Senator Rawson moved to adjourn until 10:30 o'clock A. M. Monday.

Yeas and nays called for and motion lost by the following vote:

Yeas—Baker, Flanagan, Ford, Gaines, Hertzberg, Hillebrand, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—13.

Nays—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Mills, Pettit, Pickett, Shannon, Swift—15.

Election of President *pro tem.* resumed.

## TWELFTH BALLOT.

Flanagan.....	14
Bell.....	14
Other candidates.....	00
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No candidate having received a majority of all the votes cast, the Chair announced that there had been no election.

Senator Mills moved to adjourn to 10:30 A. M. Monday.

Yeas and nays called for, and motion lost by the following vote:

Yeas—Baker, Flanagan, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor--13.

Nays—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hall, Latimer, Pettit, Pickett, Shannon, Swift, Tendick--15.

Election of President *pro tem.* resumed.

## THIRTEENTH BALLOT.

Flanagan.....	14
Hall.....	14
Other candidates.....	00
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No candidate having received a majority of all the votes cast, the Chair announced that there had been no election.

Senator Tendick moved to adjourn until 10:30 A. M. Monday.

Yeas and nays called for, and the motion carried by the following vote:

Yeas—Baker, Flanagan, Ford, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick--14.

Nays—Bell, Bowers, Broughton, Cole, Dillard, Douglas, Dohoney, Evans, Hall, Latimer, Pettit, Pickett, Shannon, Swift--14.

So the Senate at 3:40 P. M. adjourned until 10:30 A. M. Monday.